

# United States Court of Appeals For the First Circuit

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No. 22-1545

WAYNE P. SAYA, SR.,

Plaintiff - Appellant,

v.

JAMES W. DONCHESS, in his official capacity as Mayor of the City of Nashua, NH; LORI WILSHIRE, in her official capacity as President of the Nashua, NH Board of Alderman; ANGELA CONSENTINO, individually and as third-party contractor Epidemiologist for the City of Nashua, NH, Division of Public Health and Community Services,

Defendants - Appellees,

CHRISTOPHER T. SUNUNU, in his official capacity as Honorable Governor of the State of NH; LORI SHIBINETTE, in her official capacity as Commissioner of the NH Department of Health and Human Services; BENJAMIN P. CHAN, MD, MPH, individually and in his official capacity as State Epidemiologist and Medical Doctor for the State of NH,

Defendants.

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Before

Kayatta, Lynch and Montecalvo,  
Circuit Judges.

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## JUDGMENT

Entered: July 12, 2023

The judgment of the district court dismissing the complaint is affirmed essentially for the reasons discussed in its Order of July 7, 2022. See 1st Cir. R. 27.0(c). The ordinance in question, Amended O-21-065, specifically forbade any application of a mask wearing policy that singles out unvaccinated persons for disparate treatment. To the extent that some businesses in the City of Nashua may have violated this aspect of the ordinance, plaintiff has not suffered any injury-in-fact that is fairly traceable to the municipal defendants.

Affirmed. The motion for oral argument is denied as moot.

By the Court:

Maria R. Hamilton, Clerk

cc:

Wayne P. Saya Sr.

Steven A. Bolton

Samuel R. V. Garland